

REMARKS

Claims 1, 3-9, 13-15, 18, 21-25, 28, 32 and 47-52 are pending in this application. Claims 1, 3-10, 13-15, 18, 20-25, 28, 32 and 46-49 stand rejected. Claims 1, 3, 4, 18, 21-25, 28, 32, and 47-49 have been amended. Claims 10, 20 and 46 have been cancelled. Claims 50-52 have been added.

Support for both the amendments to the claims and the new claims can be found in the specification on page 4, lines 4-10; page 5, lines 9-17; page 17, lines 23-31; page 19, lines 5-12; from page 29, line 24 to page 30, line 23; page 33, lines 7-24; in Example 3; in the original claims and throughout the specification. Therefore, no new matter has been added by any of the claim amendments or by the addition of the new claims.

Sequence Listing

The examiner stated that the sequence listing fails to comply with 37 C.F.R. §§ 1.821-1.825. Specifically, the examiner stated that field <110> is incorrect and that fields <150> and <151> are missing.

Applicants have amended the sequence listing to include the names of all of the inventors in section <110>. In addition, applicants have amended the sequence listing in fields <150> and <151> to include reference to the priority applications and their filing dates.

No new matter has been added by these amendments because this information was previously supplied in the prosecution of this application and/or is stated on page 1, lines 5-8 of the application. Accordingly, withdrawal of the objection to the sequence listing is respectfully requested.

Rejection under 35 U.S.C. § 101

Claim 32 stands rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Specifically, the examiner stated that the claim should be amended to include the term “isolated” or “purified”.

Claim 32 has been amended according to the examiner’s suggestion. Accordingly, withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 1, 3-10, 13-15, 18, 20-25, 28 and 32 stand rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite.

In order to expedite prosecution of the instant application, applicants have amended claim 1 to recite an antibody that inhibits binding to an EGF receptor, rather than to an anti-amphiregulin antibody. In addition, claim 1 has been amended to delete the phrase “from the group consisting of”, and recite specific combinations of heavy and light chains. Furthermore, claim 10 has been cancelled.

Applicants believe the amended and cancelled claims address the examiner’s concerns. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, 2nd paragraph, are respectfully requested.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 1, 3-10, 13-15, 18, 20-25, 28, 32 and 46-49 stand rejected under 35 U.S.C. § 112, 1st paragraph, for failing to comply with the enablement requirement.

In order to expedite prosecution of the instant application, applicants have amended claim 1 to recite an antibody that inhibits binding to an EGF receptor, rather than to an anti-amphiregulin antibody. In addition, claim 1 has been amended to delete the phrase “consisting essentially of ” and replace it with the phrase “consisting of”. Furthermore, claim 10 has been cancelled.

Applicants believe the amended and cancelled claims address the examiner’s concerns. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, 1st paragraph, for lack of enablement are respectfully requested.

Claims 1, 3-10, 13-15, 18, 20-25, 28, 32 and 46-49 stand rejected under 35 U.S.C. § 112, 1st paragraph, for failing to comply with the written description requirement.

In order to expedite prosecution of the instant application, applicants have amended claim 1 to delete the phrase “consisting essentially of ” and replace it with the phrase “consisting of”. Furthermore, claim 10 has been cancelled.

Applicants believe the amended and cancelled claim address the examiner’s concerns. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, 1st paragraph, for lack of written description are respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claim 46 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,830,995 in view of U.S. Patent No. 4,668,629.

In order to expedite prosecution of the instant application, applicants have cancelled claim 46. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

CONCLUSION

Applicants submit that the claims of the present invention are patentable. In view of the foregoing, applicants respectfully submit that the subject application is in condition for allowance. Accordingly, reconsideration of the rejections and allowance of the claims are earnestly solicited.

If the undersigned can be of assistance to the examiner in addressing issues to advance the application to allowance, please contact the undersigned at the number set forth below.

Respectfully submitted,



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